

EXHIBIT C

KA-BAR®

February 1, 2013

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Dear Mr. Jensen,

As per your request, I am responding to your questions regarding the design, construction and use of folding knives and how they pertain to the enforcement of New York State Switchblade and Gravity knife laws in New York City. I am qualified to speak on the subject as I have extensive knowledge of the knife industry and knives.

Personal Background of the Writer and KA-BAR Knives

I have spent the last 24 years of my 36 year working career in the cutlery industry. The knife companies that I have been employed with are Camillus Cutlery (Syracuse, NY), Ontario Knife (Franklinville, NY), and Cutco Cutlery/KA-BAR Knives (Olean, NY).

Before my tenure in the cutlery trades, I worked for 13 years in the Chemical, Heavy Machinery and Electronics Industries, gaining a diverse set of engineering skills.

My formal education is an Industrial Technology degree from the State University College at Buffalo where my main course of study was manufacturing processes and product development.

In addition, I have taken many training courses and seminars in Quality, Statistics, TQM, Design and other pertinent industrial subjects.

My present duties include designing and overseeing new products develop from ideation to production. This includes making conceptual drawings, and deciding on the materials, mechanisms and visuals of the products. I also am involved with developing and writing the product and quality specifications and the manufacturing process routings. When the product is delivered to the KA-BAR warehouse, I oversee the

Quality/Inspection of incoming products, handle the technical side of customer complaints and interact with the factory to assure the product meets technical specifications

KA-BAR Knives is a 115 year old company located in Olean, NY. It was originally formed as Tidioute Razor Company by Wallace and Robert Brown in 1898 in Tidioute, Pennsylvania. It moved to Olean, NY in 1910 and changed the company name to Union Cutlery Company as it became a full producer of folding and fixed blade knives in addition to straight razors. From this time to WWII, Union Cutlery was known as a producer of high quality and innovative knives. During WWII the company was a major supplier of knives to the various Military services most notably famous for their USMC F/U knife, Navy Mark I and II knives and the TL-29 folding electrician knife. After the war, Union Cutlery Co. struggled financially and was sold several times, eventually moving to Solon, Ohio. In 1996 KA-BAR Knives (Union Cutlery changed names to KA-BAR Knives in the 1950s) was purchased by the Alcas Corp and returned Olean, NY where it presently resides.

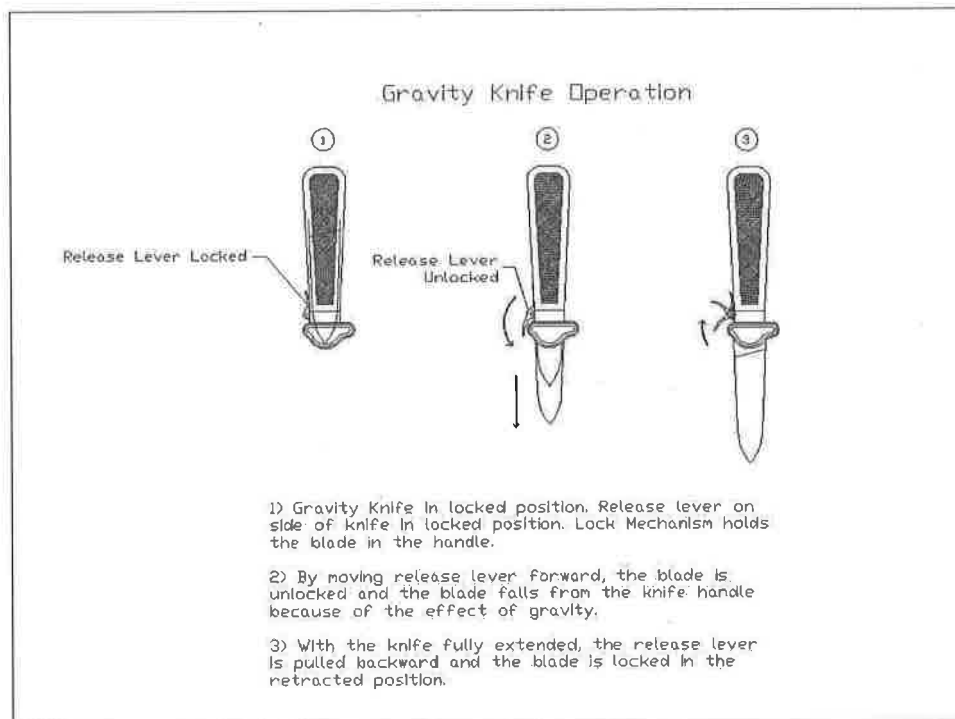
Background of Folding, Switchblade and Gravity Knives

Since the end of WWII, Union Cutlery (predecessor to KA-BAR knives) and KA-BAR have sold in excess of one million folding knives. KA-BAR was only one of many cutlery companies in existence from then to now. Today, and since at least, WWI, the folding knife is the most common type of personal knife in the United States. Most cutlery companies have a product mix of 70% folding knives to 30% fixed blade knives. This 70/30 rule is a general rule of thumb that is used in the knife industry. There are several companies, KA-BAR being one, that sell more fixed blades than folders.

From the first folding knives to present, many mechanisms have been introduced to the knife market. Consumer trends, changing technology, and invention have developed the folding knife to what it is today. In addition to the traditional "Slipjoint" folding knife mechanism, there are Lock back, Liner lock, Button lock, Bolt Action locks and many other types of locking mechanisms. These different types of mechanisms all serve the purpose of locking the blade in the open position so that it will not close on a person's fingers while they are using the knife. There is always marketing pressure to produce innovative and novel mechanisms that serve this basic purpose.

Prior to the Federal and New York State Switchblade and Gravity knife laws, Union/KA-BAR produced several switchblade folders as did many other knife companies. After enactment of the laws, the switchblade knives were discontinued and replaced by knives that did not open by the operation of a button/switch in the handle and did not use a spring to propel the blade to the open position.

KA-BAR has never made a "Gravity Knife" and it did not make any changes to its product line when "Gravity Knives" were banned in 1958. The term "Gravity Knife" refers to a knife that opens by the force of gravity. If the locking mechanism is released, the blade will (if the blade is pointed downward) move to the open position. This diagram shows the operation of a typical gravity knife.



The position of the blade and handle is critical. If the path of the blade to the open position is not in the direction of gravity, the blade will not open. Another force must be applied to the knife to open the blade such as centrifugal force.

I have reviewed the definition of "Gravity Knife" that is contained in the New York Penal Law. The definition reads as follows:

Gravity Knife: Any Knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force which, when released is locked in place by means of a button, spring, lever or other device.

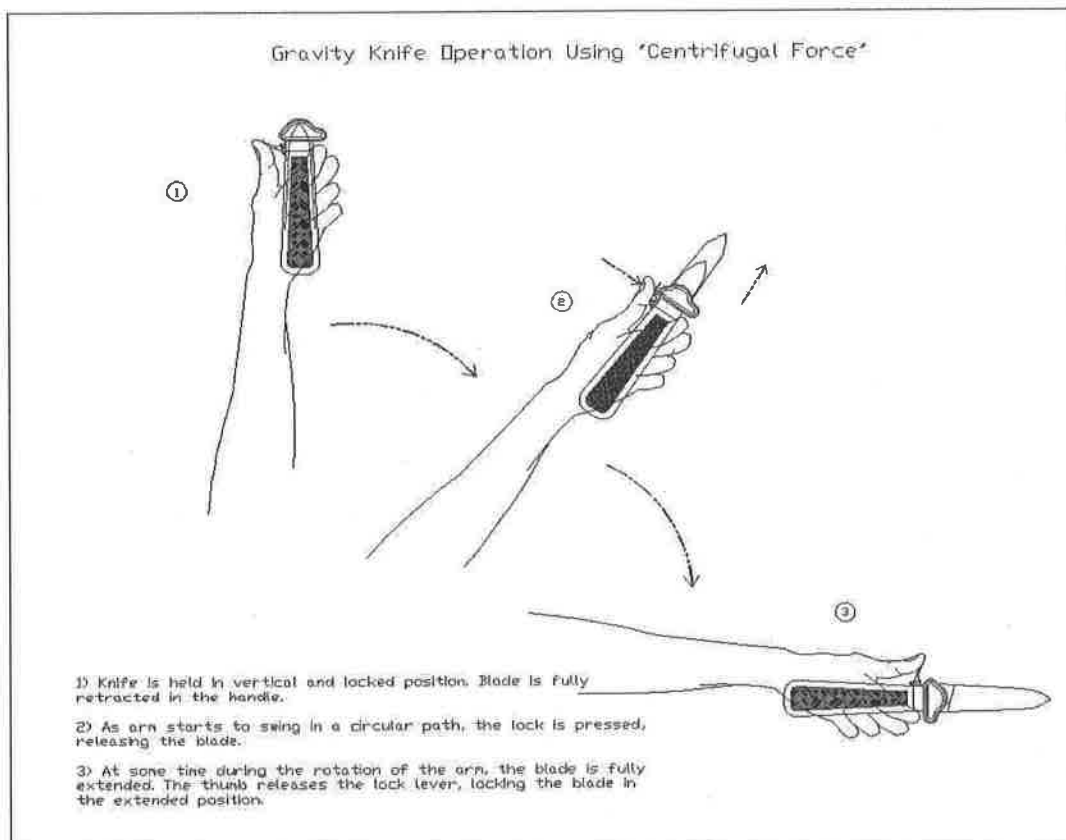
My understanding of the definition is that it describes the German Paratrooper Knife. (Deutsche Fallschirmjaeger Messer, illustrated above) Notice that the blade slides out of the handle. It does not pivot from the handle as a traditional folder does. I have never heard of traditional folders, whether they are slipjoints, lockbacks or linerlock knives, being referred to "Gravity Knives" (except recently in New York City).

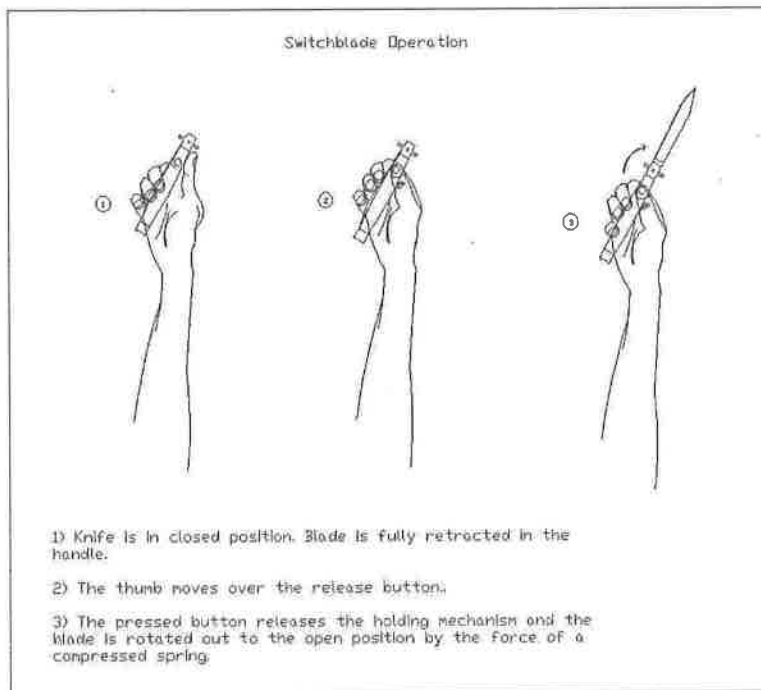
The Role of Blade Bias in the design and construction of folding knives

You asked me to explain the role that blade bias plays in the design and construction of knives; in particular folding knives, switchblades, and gravity knives. This is a concept that the knife industry uses to help define folding knives. It is in part to separate illegal knives from the legal variety which is helpful

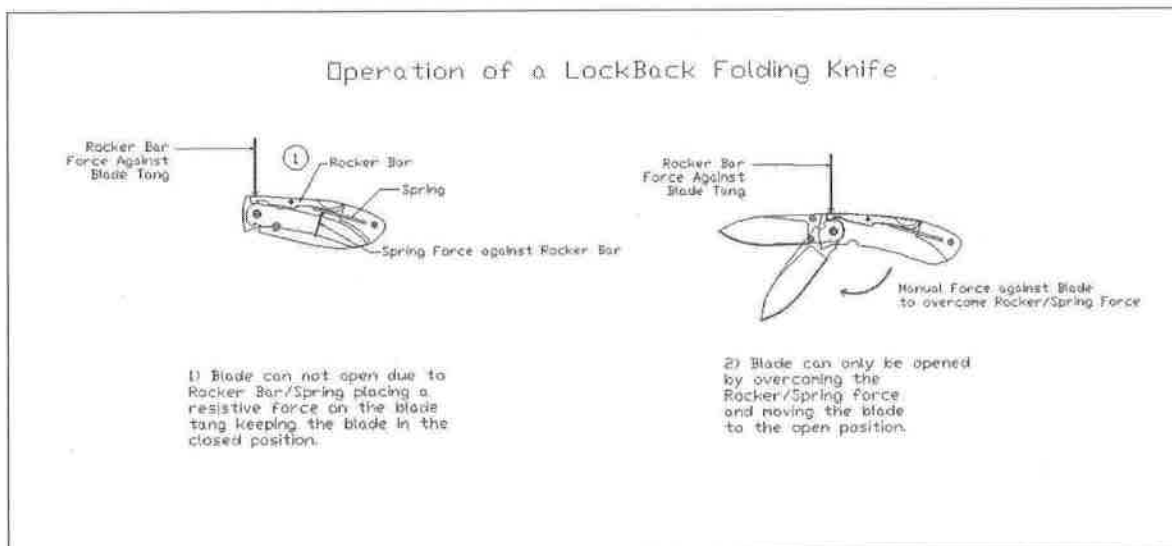
in this discussion. But more importantly it has helped the knife industry by defining a rule to guide the design and production of safe versus unsafe knives.

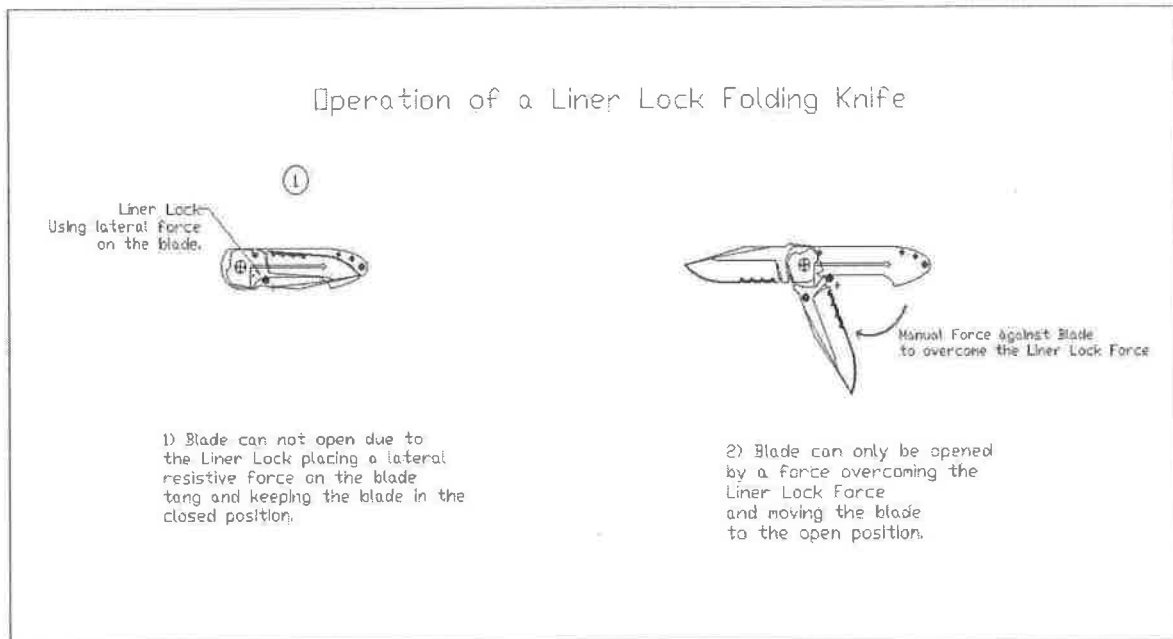
Switchblades and gravity knives have a "Bias to be opened". Folding knives, such as slip joints, lockbacks, linerlocks, instead have a "Bias to be closed". On a knife that falls under the "Bias to be opened" rule, the knives are designed so that the blades are released from the handle or sheath by a spring or by gravity. They are held in the closed position by a locking mechanism. On a switchblade knife, when the locking mechanism is released, the blade readily moves to the open position by a spring. On a Gravity knife, the blade moves to the open position by gravity. The following diagrams show the operation of gravity knives. (by centrifugal force) and also of switchblade knives.





However, knives built with a "Bias to be closed" condition feature blades that are held in the closed position by a spring or other mechanism. The blade will remain in the closed position until the blade is actually manipulated by the hand to overcome the closing tension and move to the open position. These diagrams show the operation of lock back and liner lock folding knives with a bias in favor of the closed position.





So basically the difference between the two concepts is what the blade tension is trying to do: Hold the blade in the handle or open the blade from the handle. (Gravity doesn't open a folding knife with a Bias to be closed because gravity doesn't overcome the bias.)

This concept is important as it makes a distinction between not only the knives but the fundamental difference in the thought process that goes into the design of the two types of knives.

With the exception of switchblades, virtually all folding knives feature a "Bias toward Closure". Since the Federal Switchblade Act prohibited Switchblades and Gravity knives in 1958, all manufacturers produce folding knives for the general public that have a "Bias toward Closure". Knives that lose the "Bias toward Closure" are considered defective and will be replaced, repaired, or adjusted.

Opening Folding Knives with a "Wrist Flick"

You advised me that the NYPD and the New York County DA's office has interpreted the New York Penal Law's prohibition on gravity knives to include folding knives that lock in the open position, if those knives can be opened using a "wrist flick test". This "wrist flick test" involves holding the body of a folding knife in one hand and then forcefully flicking or snapping the knife downward, in an attempt to thereby open the blade of the folding knife to its open position. If a NYPD officer or DA's Office investigator is able to open a folding knife in this manner, then they will assert that the knife is a gravity knife, as defined in the New York Penal Law. You asked me to advise you whether folding knives are designed and intended to be opened in this manner.

Folding knives generally may be opened with two hands; one grasping the handle and the other grasping the blade and moving it to the open position. Some folding knives have a stud/ protrusion or hole on the

blade that allows a person to use either their free hand, or the thumb of the hand holding the knife, to open the blade to the open position.

Folding Knives are neither designed nor intended to be opened with a wrist flick. This motion is dangerous to those around the person opening the knife in this way. The risk of the knife flying from the hand and causing damage and injury is great and so it is not recommended as a safe opening method. All knives are potentially dangerous and opening them with gross motions like the "wrist flick" constitutes serious neglect on the part of the user.

The motion also puts tremendous strain and impact on the knife construction; damaging the locking, pivoting and stabilizing mechanisms. From time to time, people have returned knives to KA-BAR that exhibit damage from "Wrist Flicking". They are repaired but the user is advised against continued opening in this manner.

You also asked me to state whether the "wrist flick test" interpretation of the gravity law coincides with the understanding of New York knife makers. It is potentially possible to open any folding knife using a "wrist flick" motion. Therefore, under this standard, virtually all folding knives produced by both U.S. and foreign makers (KA-BAR included) would potentially be illegal. In turn, all knife makers would have been in open violation of New York criminal law for many years.

I believe, and this is my opinion, that the "wrist flick test" is a misinterpretation of the term "Centrifugal force" as defined by the New York State Penal law which I will address later in this report.

Other Factors that influence the "Wrist Flick Test" on folding knives

You asked me to explain any considerations that impact the extent to which a folding knife resists opening, which in turn would impact the consistency of the "wrist flick test". While different people obviously have significantly different physical abilities in terms of strength and skill, I discuss factors that would impact consistency between knives themselves. There are several types of considerations that would substantially affect the ability to "wrist flick" a folding knife to the open position. They are:

- 1) Design, materials and construction of a particular make and model of knife.
 - a. Design: Different locking mechanisms will all have a different resistance to opening and closing of the blade. i.e.; a lock back will have different characteristics than a liner lock. Knives with bearing washers will open differently than knives without washers.
 - b. Materials: Different materials will have different properties. These include weight, frictional co-efficiency (lubricity), and finishing characteristics.
 - c. Construction: Different construction methods will produce different fits and finishes and as a result, different ease of knife operation.

Each manufacturer designs knives to a particular price range. This will determine the materials, the methods and design of how this knife will perform. All of these requirements will determine the outcome of the knife. The knife shape, weight, color and ease of operation are determined

by the design, material, and construction methods. Each company will produce knives that are different. The knife industry as a general rule works diligently and in good faith to produce knives that are safe and practical as tools. New materials and designs are meant to enhance the usefulness of this tool.

2) Manufacturing variances between individual knives of the same make and model.

Material and operations both have variances in dimensions and specifications. This is always present in any manufacturing operation. No two folding knives on a production line will have the exact same mechanical characteristics. This affects the outcome of all knife mechanisms. Manufacturing tolerances and variances in moving parts of a folding knife will vary to the extent that one person performing the "wrist flick test" may pass some knives while other knives of the same model knife fail at the same time.

Custom knife makers who spend the time to produce more perfect knives can actually make folding knives that have a "bias to be closed" but due to the polished surfaces, operate so smoothly they would more likely fail the "wrist flick test" because of the reduced friction between the blade and bearing surfaces. These knives are expensive and may cost thousands of dollars.

3) "Wear and Tear" on a knife over time.

Knives wear through use, so that the normally tight tolerances of a new knife are no longer present. Normally, all things being equal, a folding knife becomes somewhat easier to open over time. This means that a folding knife will generally become easier to "wrist flick" over time.

4) The potential presence of an adjusting screw which can be adjusted.

Some models of folding knives are assembled with threaded fasteners at the pivot point of the blade. This fastener can be adjusted for tightness and looseness and it directly impacts the extent of a knife's resistance to opening. Over time, the fasteners can loosen which also affects the ease or resistance to opening.

Centrifugal Force Discussion

You have also asked me to discuss centrifugal force, and specifically, whether the "wrist flick" maneuver is an example of centrifugal force. We will say that Centrifugal force is defined:

Centrifugal force n 1: the force that tends to impel a thing or parts of a thing outward from a center of rotation. 2: the force that an orbiting body exerts on the object constraining it. Merriam-Webster Dictionary. 1974, pg.126

An example of Centrifugal Force is the following: If a person sits in a swivel chair and holds a gravity knife so that the opening of the knife handle is pointed outward, away from their body and they rotate the chair seat so that they spin around on the chair frame, when they release the knife locking mechanism, the blade, by the rotating force of the chair, will be pulled out of the handle and into the

open position. No other movement other than the rotating chair has influenced or acted upon the knife. That is a blade opening by the "application of centrifugal force." (as illustrated above)

If a person performs this same maneuver with a slip joint, lock back or liner lock type folding knife, the blade in these knives will not open, under any realistic set of circumstances, because there is sufficient force designed and built into the knife ("bias to be closed") to overcome centrifugal force. Therefore it is safe to say that these knives do not fall under the "Bias to be opened" rule and also do not fall under the gravity knife definition as the application of centrifugal force will not open the knife.

The "wrist flick test" is not a true test for centrifugal force. The motion described by the "wrist flick" has two components. The first is centrifugal force which is imparted during the initial arm and wrist movement. The blade typically does not move from its closed position in the handle during this motion (application of centrifugal force) due to the bias to be closed. However, the second part of the motion is the sudden stopping of the arm and wrist that stops the knife handle. Inertia then makes the blade move to the open position. It is this sudden stopping of the blade and the inertia of the blade continuing to move, not centrifugal force, which opens the blade. If these same knives are given the "Swivel Chair test", they will be legal knives. However, a traditional gravity knife could be opened using the "swivel chair test" because the blade does not have any bias toward closure and does not open on a pivot. A relatively small amount of centrifugal force would cause the blade to open.

Explanation of Assisted-Opening Knife Mechanisms

You asked to me to explain the basic nature of "assisted-opening knives, and to provide my opinion about whether assisted-opening knives qualify as switchblade knives.

An assisted-opening knife is a folding knife that uses a spring mechanism to complete the manual opening of the blade. The first part of the opening sequence is the blade being moved by the hand to a partial open position. The final part of the opening sequence is a spring opening the blade to the open position.

The assisted opening knife follows the "Bias to be closed" rule that legal knives follow. The spring mechanism holds the blade in the handle. The blade must be manually manipulated to begin the opening motion. After approximately 30-45 degrees of blade rotation, the spring that holds the blade in the handle reverses the pressure on the blade and rotates it to the final open position.

My opinion is that an assisted opening knife is clearly not a switchblade knife. The conventional definition of a switchblade requires that it opens by means of a button, spring, or device that is mounted in the handle.

The NYS Legal Definition is basically the same and requires that the blade "open automatically by using hand pressure applied to a button, spring or other device *in the handle.*"

An assisted opening knife does not meet this definition.

Closing

In closing, I would like to state that switchblades, gravity knives and other "illegal" knives are clearly and distinctly different than the legal knives being produced today. New York City's interpretation of the "Gravity knife" law to include folding knives that resist opening is totally inconsistent with the understanding that KA-BAR and other knife companies have had since the 1950s.

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